

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

V

KELLY CUNNINGHAM,

Defendant.

CASE NO. C11-5509 BHS-KLS

ORDER ADOPTING REPORT AND RECOMMENDATION, IMPOSING SANCTIONS, AND STAYING ACTION

This matter comes before the Court on the Report and Recommendation ("R&R")

of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 248) and

Plaintiff Richard Roy Scott's ("Scott") objections to the R&R (Dkt. 260).

On April 12, 2012, Judge Strombom issued the R&R detailing Scott's vexatious

litigation tactics and recommending that the Court grant Defendant's motion for

sanctions. Dkt. 248. Judge Strombom also recommended that the case be stayed until

Scott pays the sanction, and, if Scott fails to pay the sanction within sixty days, the case

be dismissed. *Id.* On April 20, 2012, Scott objected to the R&R stating that he has filed

a motion to voluntarily dismiss his complaint, Dkt. 260. On April 24, 2012, Defendant

responded and requested that, if Scott fails to pay the sanction, the Court dismiss the

1 complaint with prejudice and enter judgment against Scott in the amount of the sanction.

2 Dkt. 265.

3 The district judge must determine de novo any part of the magistrate judge's
4 disposition that has been properly objected to. The district judge may accept, reject, or
5 modify the recommended disposition; receive further evidence; or return the matter to the
6 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

7 In this case, Scott's objections fail to address the merits of the R&R. Judge
8 Strombom listed and described Scott's repetitive and frivolous filings that support
9 Defendant's request for sanctions. Scott continues to abuse the legal process and
10 needlessly consume Defendant's as well as the Court's resources. Therefore, the Court
11 adopts the R&R. With regard to Defendant's request of dismissal with prejudice and
12 judgment, the Court will address that issue when and if Scott fails to pay the sanction.

13 The Court having considered the R&R, Scott's objections, and the remaining
14 record, does hereby find and order as follows:

15 (1) The R&R is **ADOPTED**.

16 (2) Scott shall pay into the Court Registry the amount of Seven Hundred and
17 Fifty Dollars (\$750.00) as a sanction for his conduct on or before August 1,
18 2012. Upon receipt of the payment, the Court Clerk shall forward the
19 amount of \$750.00 to counsel for Defendant.

20 (3) This action is hereby **STAYED** pending Scott's payment into the Court
21 registry. If full payment of \$750.00 is not received from Scott by August 1,

2012, the Court will consider Defendant's request for **DISMISSAL with prejudice** and whether to enter **JUDGMENT** against Scott.

- (4) The pending motions (Dkts. 255, 258, 284, 287, 289, 297, & 299) shall be removed from the Court's calendar and may be renoted if Scott pays the sanction.

Dated this 4th day of June, 2012



BENJAMIN H. SETTLE
United States District Judge